APPENDIX A

Association of American Railroads Freight Tariff 4-Y, B. T. Jones' I. C. C. 3963, contains rates, rules and regulations providing for the computation and collection of demurrage on the cars in question. (R. 38).

The pertinent rules are as follows:

Rule 3, Section D, states:

> "Except as otherwise provided in Section B, Paragraph 1, of this rule, on cars to be delivered on other than public delivery tracks, time will be computed from the first 7:00 a.m. after actual or constructive placement on such tracks.
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> "Time computed from actual placement on cars placed at exactly 7:00 a.m. will begin at the same 7:00 a.m.; actual placement to be determined by the precise time the engine cuts loose. (See Rule 4, Section C, page 43 of tariff, as amended, and Rule 5, page 44 of tariff, as amended, and Rule 6, page 44 of tariff, as amended.)
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> " 'Actual placement' is made when a car is placed in an accessible position for loading or unloading or at a point previously designated by the consignor or consignee. If such placing is prevented from any cause attributable to consignor or consignee and car is placed on the private or other than public delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice." (R. 62-63.)

Rule 6, Section D, states:

> "If an empty car is appropriated without being ordered, it shall be considered as having been ordered and actually placed at the time so appropriated. If not loaded outbound, such car is subject to Section B of this rule." (R. 64.)